

gk



Docket No.: 251193US40DIV

OBLON
SPIVAK
McCLELLAND
MAIER
&
NEUSTADT

P.C.

ATTORNEYS AT LAW

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/809,700

Applicants: Kyle W. HUKARI, et al.

Filing Date: March 26, 2004

For: PROTECTIVE LAYERS FOR OPTICAL COATINGS

Group Art Unit: 2872

Examiner: BRET, C.

SIR:

Attached hereto for filing are the following papers:

Submission of International Preliminary Examination Report; International Preliminary Examination Report; Copy of initialed PTO-1449 from parent 10/054,973

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Corwin Paul Umbach

Corwin P. Umbach, Ph.D.

Registration No. 40,211

Customer Number

22850

(703) 413-3000 (phone)
(703) 413-2220 (fax)



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

RE APPLICATION OF

KYLE W. HUKARI, ET AL.

: EXAMINER: BRET, C.

SERIAL NO: 10/809,700

:

FILED: MARCH 26, 2004

: GROUP ART UNIT: 2872

FOR: PROTECTIVE LAYERS FOR
OPTICAL COATINGS

:

SUBMISSION OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313-1450

SIR:

Attached is the International Preliminary Examination Report (IPER) in International Application No. PCT/US03/00046, which claims priority from the U.S. Application No. 10/054,973 parent of the above-identified application. The IPER cites U.S. Patent Nos. 5,190,807 ("Kimock") and 5,846,649 ("Knapp"). The Examiner in the parent of the above-identified application initiated consideration of Kimock and Knapp on the attached Form PTO-1449.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)
CPU:smi

Corwin Paul Umbach

Corwin P. Umbach, Ph.D.
Registration No. 40,211

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
RICHARD D. KELLY
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT,
P.C.
CRYSTAL SQUARE FIVE, FOURTH FLOOR
1755 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA 22202

RECEIVED
OBLON, SPIVAK, MCCLELLAND,
MAIER & NEUSTADT, P.C.

DOCKETING DEPT

Initials/Date Docketed: *J.P.G.*

Type of Rep(s):

PCT

Due Date:

**NOTIFICATION OF TRANSMITTAL OF
INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

(PCT Rule 71.1)

Date of Mailing
(day/month/year)

08 JUL 2004

Applicant's or agent's file reference 216645WO <i>40</i>		IMPORTANT NOTIFICATION	
International application No.	International filing date (day/month/year)	Priority date (day/month/year)	
PCT/US03/00046	27 January 2003 (27.01.2003)	25 January 2002 (25.01.2002)	
Applicant AFG INDUSTRIES			

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703)305-3230	Authorized officer Archene Turner Telephone No. 571-272-1700 <i>Jean Proctor</i> <i>Paralegal Specialist</i>
--	--

Form PCT/IPEA/416 (July 1992)

PATENT COOPERATION TREATY

PCTINTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 216645WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US03/00046	International filing date (<i>day/month/year</i>) 27 January 2003 (27.01.2003)	Priority date (<i>day/month/year</i>) 25 January 2002 (25.01.2002)
International Patent Classification (IPC) or national classification and IPC IPC(7): C03C 17/00, 25/02; B05D 1/36, 3/02, 5/06, 7/00; B32B 17/06 and US Cl.: 65/60.2, 60.5, 60.6, 60.8; 428/408, 432, 698, 699, 701, 702; 427/164, 165, 166, 372.2, 419.1, 419.7		
Applicant AFG INDUSTRIES		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>3</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>0</u> sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of report with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application 		

Date of submission of the demand 12 August 2003 (12.08.2003)	Date of completion of this report 27 June 2004 (27.06.2004)
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703)305-3230	Authorized officer Archene Turner Telephone No. 571-272-1700 <i>Jean Proctor</i> Paralegal Specialist

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US03/00046

I. Basis of the report

1. With regard to the elements of the international application:^{*} the international application as originally filed. the description:

pages 1-15 as originally filed

pages NONE, filed with the demandpages NONE, filed with the letter of _____ the claims:

pages 16-21, as originally filed

pages NONE, as amended (together with any statement) under Article 19pages NONE, filed with the demandpages NONE, filed with the letter of _____ the drawings:

pages 6, as originally filed

pages NONE, filed with the demandpages NONE, filed with the letter of _____ the sequence listing part of the description:pages NONE, as originally filedpages NONE, filed with the demandpages NONE, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

 the language of a translation furnished for the purposes of international search (under Rule 23.1(b)). the language of publication of the international application (under Rule 48.3(b)). the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

 contained in the international application in printed form. filed together with the international application in computer readable form. furnished subsequently to this Authority in written form. furnished subsequently to this Authority in computer readable form. The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished. The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4. The amendments have resulted in the cancellation of: the description, pages none the claims, Nos. none the drawings, sheets/fig none5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).^{**}** Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).**** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.*

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US03/00046**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. STATEMENT**

Novelty (N)	Claims 1-21	YES
	Claims 22-40	NO
Inventive Step (IS)	Claims NONE	YES
	Claims 1-40	NO
Industrial Applicability (IA)	Claims 1-40	YES
	Claims NONE	NO

2. CITATIONS AND EXPLANATIONS

Claims 22-40 lack novelty under PCT Article 33(2) as being anticipated by Kimock et al (5,190,807) or Knapp et al (5,846,649).

Kimock et al or Knapp et al disclose the claimed transparent article having the claimed optical coating thereon (for Kimock et al see column 6, line 49 & column 8, lines 21-27; and for Knapp et al see column 1, lines 61-67, column 2, lines 12,20,21,26 and column 4, lines 9-12).

Claims 1-21 lack an inventive step under PCT Article 33(3) as being obvious over Kimock et al or Knapp et al (as above).

Kimock et al or Knapp et al discloses the invention substantially as claimed except for the claimed method. It would have been obvious to one of ordinary skill in the art to deposit the claimed layers by the claimed method as these techniques are known in the optical art to provide improved performance.

Claims 1-40 the criteria set out in PCT Article 33(4), because the subject matter claimed can be made or used in industry as a window.

----- NEW CITATIONS -----

MAY 23 2003

MAY 28 2003

SHEET 1 OF 1

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE <small>Form PTO 1445 (Modified)</small> LIST OF REFERENCES CITED BY APPLICANT		ATTY DOCKET NO. TC 1700		SERIAL NO. 10/054,973	
		APPLICANT Kyle W. HUKARI, et al.		FILING DATE January 25, 2002	
U.S. PATENT DOCUMENTS					
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS
AA	5,190,807	03/02/93	F. M. KIMOCK, et al.		
AB	5,846,649	12/08/98	B. J. KNAPP, et al.		
AC					
AD					
AE					
AF					
AG					
AH					
AI					
AJ					
AK					
AL					
AM					
AN					
FOREIGN PATENT DOCUMENTS					
	DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION YES	NO
AO					
AP					
AQ					
AR					
AS					
AT					
AU					
AV					
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)					
AW					
AX					
AY					
AZ					<input type="checkbox"/> Additional References sheet(s) attached
Examiner				Date Considered	

*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.